

ELECTION AND REFERENDA COMMITTEE RULING

Toronto Metropolitan Students' Union 2026 General Elections

The following is a ruling of the CRO relating to the 2026 TMSU General Elections.

The rules and procedures of the election are determined by the TMSU By-Laws and the Election Procedure Code, which can be found here: yourtmsu.ca/election

Ruling Code #	2026TGE-A002
Date Received:	March 15, 2026
Date of Ruling:	March 18, 2026
Related Rulings	2026TGE004
Type of Decision	ERC Appeal
Nature of Decision	Appeal Dismissed
Appellant:	Team Justice <ul style="list-style-type: none"> ● Zain Baig, President Candidate ● Polly Yang, VP Operations Candidate ● Teresa Baricevic, VP Education ● Megan Morgan, VP Equity ● Ahmmad Haidary, VP Student Life
Alleged Violation in By-laws or the Code	EPC s.8.1.1 (campaigning outside the Campaign Period)
Relevant Penalties provided in the Code	EPC s.8.3.5 EPC s.8.3.6



Submissions from the CRO

The CRO submitted that the appeal should be dismissed and the ruling upheld in full.

The CRO argued that the material facts were not in dispute, as the Appellant acknowledged that a paid Instagram advertisement containing campaign messaging remained active after the conclusion of the Campaign Period. The CRO submitted that this constituted campaigning outside the Campaign Period contrary to EPC s.8.1.1.

The CRO emphasized that campaigning includes online campaigning and the active distribution of campaign materials. The CRO distinguished between passive content, such as organic social media posts that remain visible, and paid advertisements, which continue to be actively promoted to users while running. The CRO submitted that paid advertisements constitute ongoing campaign activity for the duration of their distribution.

The CRO further submitted that prior approval of campaign content during the Campaign Period does not authorize its continued active promotion beyond the permitted timeframe. The CRO argued that the prohibition on campaigning outside the Campaign Period is sufficiently broad to capture paid advertisements, and that no explicit “shutoff rule” is required in the Code.

The CRO acknowledged that the violation was not deliberate, but submitted that intent is not required to establish a breach. The CRO argued that all mitigating factors, including good faith and inadvertence, were already considered in determining the penalty.

Accordingly, the CRO submitted that the finding of a violation was correct and that the penalty of 3 demerit points was reasonable and proportionate.

Submissions from the Appellant

The Appellant submitted the following through the official appeal portal.

Hi Ghallia,

We relied in good faith on prior CRO approval of the content and ad method. The EPC requires CRO approval for digital campaign materials, and paid digital ads must be reported to the CRO for approval. The paid ad format and use was approved, we relied on that approval and did not act in bad faith.



The ruling depends on an interpretation that a paid ad continuing to run after 5:00 PM is different from ordinary campaign content that remains visible after the period. But the EPC text does not clearly spell out, in express words, that a previously approved paid post must be manually disabled by the close of the Campaign Period. It says no campaigning outside the Campaign Period, and it says paid digital ads must be reported and approved, but it does not expressly set a shutoff rule for paid boosts at the deadline. Therefore, the rule was insufficiently clear and should have been more specific.

Since the ad was scheduled during the Campaign Period and could be disabled if required. This scenario was inadvertent, not deliberate, and correctable. Appendix A says mitigating factors include that the violation was not premeditated or intentional, that the candidate took reasonably available steps to correct it, that they were candid and forthcoming, and that no measurable benefit resulted.

Therefore, I ask the ERC to reduce it to a warning or 1 point because this was approved content, there was no concealment, and the issue turned on a technical interpretation of paid distribution rather than new campaigning conduct.

We do not dispute that the ad remained active after 5:00 PM. However, the campaign acted in good-faith reliance on CRO approval of previously approved campaign material and the approved use of digital advertising. The EPC does not expressly state that a paid advertisement approved and scheduled during the Campaign Period must be manually terminated by the close of the Campaign Period, as distinct from ordinary campaign posts that remain visible online. Any breach was inadvertent, not intentional, and promptly curable. In these circumstances, we feel that the CRO's interpretation is a bit too strict, and the appropriate remedy is to issue a warning or, alternatively, reduce the penalty in light of the mitigating factors and the absence of bad faith.

Best Regards,

Zain Baig

Team Justice did not choose to attend the hearing meeting; therefore, only written submissions were considered by the ERC.

ERC Decision

The ERC finds that the Appellant has not provided sufficient grounds to justify overturning the CRO's decision.



The ERC determines that the information and submissions presented on appeal do not warrant a reduction in the demerit points assigned. The Committee finds that the CRO correctly identified a violation of the Elections Procedures Code and exercised appropriate discretion in assessing the penalty.

The ERC further finds that the penalty of three (3) demerit points is reasonable and proportionate in light of the evidence, and falls within the range contemplated by the EPC.

Accordingly, the ERC concludes that the CRO’s ruling was fair, reasonable, and consistent with the Elections Procedures Code.

The appeal is therefore dismissed.

ERC Decision	
Penalties Issued	Appeal dismissed; Ruling #2026TGE004 upheld in full.
Deadline to Appeal	N/A

CRO Ruling #2025TGE004 follows below.

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Background

On 14 March 2026 at approximately 12:22 AM, the Office of the Chief Returning Officer received a complaint from a TMSU member concerning potential campaigning activity associated with the Instagram account @teamjustice2026.

The complaint alleged that a paid advertisement from the account @teamjustice2026 was publicly visible on Instagram on 14 March 2026 at approximately 12:11 AM. A screenshot of the advertisement was provided to the Office of the CRO.

The advertisement included campaign messaging encouraging students to “Vote for Team Justice in the TMSU Election.”

The Campaign Period for the 2026 TMSU General Elections concluded on 13 March 2026 at 5:00 PM.



Following receipt of the complaint, the Office of the CRO issued a Notice of Complaint to Team Justice requesting clarification regarding the advertisement and whether it had been scheduled to run beyond the Campaign Period.

Response from the Respondent

In response to the Notice of Complaint, Zain Baig stated that the advertisement consisted of previously approved campaign content that had already been posted during the Campaign Period.

The Respondent stated that the advertisement had been scheduled during the Campaign Period and argued that the advertisement should be treated similarly to previously posted campaign materials that remain visible on social media platforms after the Campaign Period ends.

The Respondent also indicated that the advertisement could be disabled if required.

Applicable Provisions:

Section 8.1.1 of the Elections Procedures Code states:

“No Campaigning shall take place before the Campaign Period.”

Campaigning includes public campaigning such as the distribution of campaign materials, online campaigning, and social media statements.

The Code provides that campaigning is only permitted during the Campaign Period established in the election schedule.

Issues

The Office of the CRO identified the following issue for determination:

1. Did the paid Instagram advertisement from the account @teamjustice2026 constitute campaigning outside the Campaign Period contrary to the Elections Procedures Code?

Findings of Fact

Based on the evidence before the Office of the CRO, the following findings of fact are made:

- The Campaign Period concluded on 13 March 2026 at 5:00 PM.
- A paid advertisement from the account @teamjustice2026 was publicly visible on Instagram on 14 March 2026 at approximately 12:11 AM, after the conclusion of the Campaign Period.



- The advertisement contained campaign messaging encouraging students to vote for Team Justice.
- The advertisement was distributed through Instagram's paid advertising system, which actively promotes the content to users beyond the campaign's organic reach.
- The advertisement remained active after the Campaign Period concluded.

Analysis of the Elections Procedures Code

Campaigning Outside the Campaign Period

The Elections Procedures Code restricts campaigning to the designated Campaign Period. Campaigning includes online campaigning and the public distribution of campaign materials. The advertisement identified in the complaint constitutes campaign messaging intended to influence voters and was actively promoted through Instagram's paid advertising system. While the Respondent stated that the advertisement was scheduled during the Campaign Period and contained previously approved content, the material remained actively distributed to users after the Campaign Period had concluded.

Paid advertisements involve the continued promotion and distribution of campaign messaging, and therefore constitute active campaigning while they are running. By allowing the advertisement to remain active after the Campaign Period ended, the campaign messaging continued to be distributed outside the timeframe permitted by the Elections Procedures Code.

Accordingly, the Office of the CRO finds that the advertisement constituted campaigning outside the Campaign Period.

Conclusion Regarding Code Violations

On a balance of probabilities, the Office of the CRO finds that:

- A paid campaign advertisement from the account @teamjustice2026 remained publicly distributed after the Campaign Period concluded.
- The advertisement constituted campaign messaging intended to influence voters.
- The continued promotion of this material after the Campaign Period ended constitutes campaigning outside the Campaign Period contrary to the Elections Procedures Code.

A violation of EPC s.8.1.1 has therefore been established.



CRO Decision	
Penalties Issued	3 Demerit Points
Deadline to Appeal	48 hours

